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1957

April 24

Dr. Austin J. McCaffrey
Commissioner of Education
Department of Education
Concord, New Hampshire

Dear Dr. McCaffrey:

You have requested the opinion of this office on whether an approved public academy must contribute to the salary and expenses of the Superintendent in whose union said academy is located.

states
RSA 189:43 paraphrased in part/ that the school boards of the several districts forming a supervisory union shall nominate and fix the salary of the superintendent and shall apportion the cost of his salary among the several districts.

Since the public academy is not a school district, it cannot be required by the supervisory union to contribute to the superintendent's salary and expenses.

The district within which approved public academy is situate may in its capacity be required to pay its proportionate share as provided in RSA 189:47. When your office is approving a contract, as provided in RSA 194:22, it should be borne in mind that the academy is merely a contractor and the school district should not be allowed to contract away its duties under RSA 189:47 in an attempt to make the academy liable for the salary and expenses of the Superintendent directly to the supervisory union. If such a contract were allowed it would appear to be abhorrent to the manifest intention of the legislature in establishing the method of paying superintendents.

Sincerely yours,

William J. Doachman
Assistant Attorney General

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